

**Heber City Corporation  
City Council Meeting  
August 15, 2013**

**7:00 p.m.**

**REGULAR MEETING**

The Council of Heber City, Wasatch County, Utah, met in **Regular Meeting** on August 15, 2013, in the City Council Chambers at 75 North Main Street, Heber City, Utah.

<b>Present:</b>	Mayor	David R. Phillips
	Council Members	Alan McDonald
		Benny Mergist
		Jeffery Bradshaw
		Erik Rowland

<b>Excused:</b>	Council Member	Robert Patterson
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<b>Also Present:</b>	City Manager	Mark K. Anderson
	City Recorder	Michelle Kellogg
	City Engineer	Bart Mumford
	Planning Director	Anthony Kohler
	Chief of Police	David Booth

**Others Present:** Danny Goode, Laurie Wynn, Mark Smedley, Heidi Franco, and others whose names were illegible.

Mayor Phillips opened the meeting and excused Council Member Patterson.

**Pledge of Allegiance:** Council Member Alan McDonald

**Prayer:** Council Member Jeffery Bradshaw

**Minutes:** July 18, 2013 Work and Regular Meetings

Council Member Rowland moved to approve the above listed minutes. Council Member Bradshaw made the second. Voting Aye: Council Members McDonald, Mergist, Bradshaw and Rowland. Council Member Patterson was excused.

***OPEN PERIOD FOR PUBLIC COMMENTS***

Mayor Phillips asked for comments from the audience on topics not listed on the agenda. None were given.

***ACTION ITEMS***

**Ordinance 2013-06, An Ordinance Amending Section 10.16.030, Unlawful Types of**

**Parking:** Anderson reviewed the points of the ordinance for trucks with three axles. There was concern that these trucks were parking along Main Street for extended periods of time. Council

Member Bradshaw felt a one-hour parking limit would be fine instead of the proposed 45 minute time limit. Council Member McDonald asked if a ticket would be issued if the truck was impounded. Chief Booth stated officers would have the authority to issue tickets and impound the vehicles. Officers would mark the tires with chalk and come back an hour later to enforce the ordinance if the truck was still parked there, so in reality the trucks could be there up to two hours. Anderson wanted to make sure the Council wanted this proposed ordinance enforced, and thought business owners should be consulted to see if they were in favor of this ordinance.

Council Member Rowland felt prohibiting trucks from parking on Main Street was a safety issue since cars pulling onto Main Street had impaired vision from the parked semi-trucks. Council Member Mergist stated AutoZone complained that semi-trucks blocked the view of the store. He and Council Member Rowland preferred to see "No Parking" signs for semi-trucks and directional signs to approved semi-truck parking areas. Kohler noted that there were signs in front of AutoZone, but the signs were so faint that they were unreadable. Council Member McDonald preferred to leave the proposed ordinance as written. Council Member Rowland felt it would be wise to invest in directional parking to ensure the safety of other drivers. Laurie Wynn stated her car was hit while leaving a parking lot and driving onto Main Street because of impaired vision from a parked semi-truck. Council Members Rowland and Mergist felt a "No Parking" for semi-trucks would be appropriate. Council Member Bradshaw thought "No Parking" signs would be best in the long run. Council Member McDonald asked for staff to talk with businesses before putting up "No Parking" signs. Council Member Rowland felt it would be wise to give businesses a time frame so they could be prepared before the City put up "No Parking" signs. The Council felt the "No Parking" signs should have a time limit of 6:00 a.m.-10:00 p.m.

Council Member Mergist moved to continue Ordinance 2013-06, an ordinance amending Section 10.16.030, Unlawful Types of Parking, on the condition that staff would follow up with businesses along Main Street to get feedback on "No Parking" signs for semi-trucks. Council Member Bradshaw seconded the motion.

Voting Aye: Council Members McDonald, Mergist, Bradshaw and Rowland. Council Member Patterson was excused.

**Adopt Resolution 2013-11, Credit Card Payment Policy:** Anderson reviewed that this resolution was a follow up to the work meeting discussion from a month ago on this topic. Council Member Bradshaw moved to approve Resolution 2013-11, Credit Card Payment Policy. Council Member Rowland made the second. Mayor Phillips asked that this service be publicized well so residents would know their options.

Voting Aye: Council Members McDonald, Mergist, Bradshaw and Rowland. Council Member Patterson was excused.

**Ordinance 2013-07, An Ordinance Amending Heber City Code Section 18.103.080, Political or Campaign Signs:** Mayor Phillips noted that this ordinance would eliminate a time limit for putting up or taking down political signs. Anderson stated in the packet there were newspaper articles of lawsuits from Mapleton City and Draper City because of enforced time limits from putting up and taking down political signs. He indicated this issue was first brought to the Council in 2010, but at that time the Council was not in favor of eliminating the time limits as set forth in the Code. Council Member Rowland stated the First Amendment right would not be

infringed upon if there was no discrimination in the type of sign that had the time limit of being on a property, but in that case, those time limits would be allowed. Council Member McDonald stated he could put a sign on his property and leave it there for three years, and it would be his right to leave it there, no matter the content of the sign. He also noted that the language “voting date” should be changed to “election date” in the Code because “voting date” could mean from the point of the first early voting day. He pointed out other discrepancies in other sections of the City code as well, such as signs in temporary zones, and in another section, a sign would need a permit. He felt those sections should also be cleaned up. Council Member Rowland thought signs with 90 day limits, and taken down 10 days after the event had held up in court. But a city couldn’t target campaign signs only. He suggested removing language that targeted political signs. Council Member Mergist didn’t want to see signs up all year. Council Member McDonald also had concerns with the prohibition of signs in mow strips because owners considered that part of their property. Council Member Mergist argued that he could stick his sign in another person’s mow strip and since it was public property, the owner would not have the right to take it down. He felt the park strip argument could go both ways.

Laurie Wynn stated in her former town in Idaho, the city adopted an ordinance that allowed signs to be put up three weeks before the elections and taken down three weeks after the election. Council Member Rowland asserted the current policy was flawed, in that it singled out just political signs. The Council needed to change that verbiage first and then setting time limits would be appropriate. Mayor Phillips suggested addressing the whole ordinance at some point in the future. Kohler stated that this was a zoning ordinance so the Planning Commission would have to address these concerns and then a public hearing would have to be held. He suggested passing this proposed ordinance tonight so the illegal portion could be eliminated, and then taking this issue back to the Planning Commission because the perfect ordinance would take a long time to readdress. Kellogg stated she requested that this ordinance be brought before the Council because she didn’t want a law on the books that the City was unwilling to enforce. Council Member Mergist stated leaving the signs up between elections should be fine.

Mayor Phillips reviewed that the time frame would be struck from the current ordinance. Kohler indicated this would be a temporary fix until a new ordinance was addressed by the Planning Commission. Mayor Phillips felt a pending ordinance change should be on the record.

Council Member McDonald moved to approve Ordinance 2013-07, an ordinance amending Heber City Code Section 18.103.080, Political or Campaign Signs. The motion failed for lack of a second. Smedley said if the proposed ordinance was to be changed, it would have to go through the Planning Commission again. He also felt changing “political signs” to “all signs” would not need to go back to the Planning Commission.

Council Member Bradshaw moved to continue the ordinance. Council Member Rowland seconded the motion. Council Member Mergist asked if the political signs now in place would be required to be taken down. Kohler and Anderson indicated the time limits would not be enforced by the City. Anderson stated Smedley and Kohler would look at the ordinance and determine if the proposed changes could go to the Council or to the Planning Commission. Smedley reviewed that an ordinance would be prepared that would be constitutionally sound, and then it would go to the Planning Commission. No action would be taken during this election, with the understanding that after the election, signs should be taken down within an appropriate time frame. Council Member McDonald wanted political signs left up between the Primary and General election.

Voting Aye: Council Members McDonald, Mergist, Bradshaw and Rowland. Council Member Patterson was excused.

**Award Contract for Broadhead Water Tank Lid Replacement:** Council Member Rowland moved to approve the Broadhead Water Tank Lid Replacement contract award to Gerber Construction. Council Member Bradshaw seconded the motion. Council Member Mergist asked how the project would affect the City's water supply. Mumford stated if everything worked as planned, there should be no problem.

Voting Aye: Council Members McDonald, Mergist, Bradshaw and Rowland. Council Member Patterson was excused.

**Approve UDOT Aeronautics Grant Application for State Aid for Development of Public Airports for the Design of the Runway and Apron Rehabilitation/Reconstruction Project and Approval of The Cooperative Agency Agreement Which Allows FAA Grant Payments to be Passed through UDOT Aeronautics:** Anderson stated at the last meeting the grant was approved, and this was UDOT's matching grant. Council Member Mergist reviewed that this was a rehabilitation project and not an expansion project. It was confirmed that this was the matching portion for the design which was in the amount of \$12,752. Anderson indicated the City would pay the other \$12,752 for this project.

Council Member McDonald moved to approve UDOT Aeronautics Grant Application for State Aid for the development of public airports for the design of the Runway and Apron Rehabilitation/Reconstruction Project and the approval of the Cooperative Agency Agreement which allows FAA grant payments to be passed through UDOT Aeronautics. Council Member Rowland seconded the motion.

Voting Aye: Council Members McDonald, Mergist, Bradshaw and Rowland. Council Member Patterson was excused.

**Approve Request for State Aid for Airport Development Project and the FAA Grant Application for the Construction of the Rehabilitation/Reconstruction of the Airport Runway and Apron:** Anderson stated the FAA contacted the City and said more money would be coming to the Denver Region that may be available for the reconstruction for the airport runway and apron. Council Member McDonald moved to approve the request for State aid for the Airport Development Project and the FAA Grant Application for the construction of the rehabilitation/reconstruction of the airport runway and apron. Council Member Rowland seconded the motion.

Voting Aye: Council Members McDonald, Mergist, Bradshaw and Rowland. Council Member Patterson was excused.

Anderson informed the Council that the last big airport hangar sold today and there was only one small hangar remaining that was for sale. Mayor Phillips commented that the airport sustained itself and the City had come out ahead with the sale of the hangars that were built in 2008. Council Member Rowland asked about the status of the proposed beekeeping ordinance in the Planning Commission. Kohler stated it would be on the next agenda.

With no further business, the meeting was adjourned.